

PATENT

ELYN/10  
Confirmation No. 4146**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (8 total pages, including cover sheet) are being transmitted via facsimile transmission to OIPE, Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-746-4060 on August 3, 2004.

*Judith L. Volk*  
Judith L. Volk

*August 3, 2004*  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: James D. Gersten et al.

Art Unit: 2131

Serial No.: 10/802,165

Examiner: Unknown

Filed: March 17, 2004

For: SECURE ELECTRONIC MESSAGE SYSTEM

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being submitted in Response to the Notice to File Missing Parts of Nonprovisional Application mailed June 3, 2004. A copy of the Notice (2 pages), as well as a Declaration, Power of Attorney, and Petition executed by the inventors, James D. Gersten, Phillip E. Huff, and Roland K. Foreman (3 pages), are also enclosed. Authorization to charge Deposit Account 23-3000 in the amount of \$65.00 for the surcharge based upon small entity status is granted.


The deadline for filing a response is August 3, 2004, and this communication is thus timely filed. If, however, any other charges or credits are necessary to complete this communication, please also apply them to the Deposit Account 23-3000.

Page 1 of 2  
Serial No. 10/802,165  
Response dated 08/03/2004  
Responsive to Notice to File Missing Parts mailed 06/03/2004  
WH&E: ELYN/10  
K:\ELYN\10\Response to Missing Parts.wpd

If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324.

Respectfully submitted,

8/3/04  
Date

  
Douglas A. Scholer  
Reg. No. 52,197

WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
(513) 241-2324 (Phone)  
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Page 2 of 2  
Serial No. 10/802,165  
Response dated 08/03/2004  
Responsive to Notice to File Missing Parts mailed 06/03/2004  
WH&E: ELYN/10  
K:\ELYN\10\Responses to Missing Parts.wpd



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/802,165	03/17/2004	James D. Gersten	ELYN / 10

26875  
WOOD, HERRON & EVANS, LLP  
2700 CAREW TOWER  
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CONFIRMATION NO. 4146

## FORMALITIES LETTER



\*OC000000012861942\*

Date Mailed: 06/03/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450

08/05/2004 HTECKLU1 00000087 233000 10802165 Alexandria VA 22313-1450

01 FC:2051 65.00 DA

*A copy of this notice **MUST** be returned with the reply.*

AUG-03-2004 17:10

513 241 6234

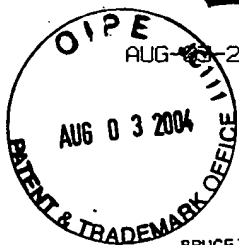
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T. Ketsela

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



AUG 03 2004 17:09

513 241 6234

513 241 6234 P.01

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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

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TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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TECHNICAL ADVISORS  
HENRY M. LABODA, PH.D.

August 3, 2004

**FACSIMILE COVER SHEET**

To: OIPE  
Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 703-746-4060

Enclosures:

Fax Cover Sheet containing Certificate of Facsimile  
(1 page)

Response to the Notice to File Missing Parts of  
Nonprovisional Application containing Certificate  
of Facsimile Transmission and Authorization to  
Charge Deposit Account 23-3000 in the amount of  
\$65.00 for the Surcharge (2 pages)

Copy of Notice to File Missing Parts of  
Nonprovisional Application (2 pages)

Executed Declaration, Power of Attorney and  
Petition executed by James D. Gersten,  
Phillip E. Huff and Roland K. Foreman (3 pages)

From: Douglas A. Scholer  
Reg. No. 52,197

Re: U.S. Patent Application  
Serial No. 10/802,165  
Filed: March 17, 2004  
Applicant: James M. Campos et al.  
Art Unit: 2131  
Confirmation No.: 4146  
Our Ref: ELYN/10

Pages: 8 (including cover sheet)

**MESSAGE/COMMENTS  
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

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*Judith L. Volk*  
Judith L. Volk

*August 3, 2004*  
Date

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